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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,754	02/12/2001	David Leigh Donoho	UNIV0001C	1053

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GLENN PATENT GROUP  
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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/782,754	DONOHO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohammad A. Siddiqi	2154	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15,16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-14 are presented for examination. Claims 15 and 16 have been withdrawn.
2. Claims 15 and 16 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/03/2005.
3. Acknowledgment is made of applicant's claim for priority, application appears to be a Continuation Application of Application No. 09/272,798, filed 19, March 1999 (now patent, 6,256,664), which claims priority from U.S. Provisional Application No. 60/098,798.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 3, 5-6, 8-11, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Reisman et al. (6,594,692) (hereinafter Reisman).

6. As per claims 1 and 8, Reisman discloses a communications system, comprising:

an advice provider (information transporter system, col 26, lines 20-31) which broadcasts (broadcast information distribution system, col 26, lines 20-31) information over a communications medium to a plurality of advice consumers (col 26, lines 20-31), irrespective of actual relevance (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates irrespective of actual relevance, col 26, lines 20-31) of said information to said plurality of advice consumers (recipient communication devices, col 26, lines 20-31).

an advice consumer of said plurality of advice consumers for gathering said broadcast information from said communications medium (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45) ; and

a reader associated with said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element anticipates reader, col 26, lines 20-45) for determining relevance of said broadcast information to said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45);

Wherein said advice consumer is advised of said information only if said information meets certain predetermined relevance criteria (recipient communication devices are tuned to identify and receive from the broadcast specific data elements to which they are entitled anticipates predetermined relevance criteria, col 26, lines 20-45).

7. As per claim 3, Reisman discloses wherein relevance of said information to said advice consumer is based upon any of the properties of an advice consumer's computer, said computer's contents or state, or the properties of a local environment associated with said computer (subscription delivery, col 26, lines 45-63).

8. As per claim 5, Reisman discloses wherein said information being broadcast may consist of any of humanly interpretable content, data, or

software tools (subscription delivery, col 26, lines 45-63; col 38, lines 28-55).

9. As per claim 6, Reisman discloses wherein said advice provider specifies an audience for whom said information is potentially relevant by referring to properties of an advice consumer which are used to determine the relevance of said information to said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45, subscription delivery).

10. As per claim 9, Reisman discloses an advice reader associated with an advice consumer computer for performing relevance determination (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

11. As per claim 10, Reisman discloses wherein relevance determination is automatically performed based on a combination of conditions, including any of hardware attributes, configuration attributes, database attributes, environmental attributes, computed attributes, remote attributes, timeliness, personal attributes, randomization, and advice attributes (col26, lines 20-45).

12. As per claim 11, Reisman discloses wherein said advice reader operates automatically to determine relevance determination (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

**13.** As per claim 13, Reisman discloses wherein any information that is actually on an advice consumer computer or reachable from said advice consumer computer may be used to determine relevance (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

14. As per claim 14, Reisman discloses digital documents which contain an explanatory component describing in terms said advice consumer can easily understand the reason that said advisory is relevant and the purpose and effects of the action which is being recommended to said advice consumer (col 2, lines 20-64)

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2, 4, 7, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman et al. (6,594,692) (hereinafter Reisman) in view of Cheng et al. (6,151,643) (hereinafter Cheng).

17. As per claim 2, Reisman does not explicitly disclose means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider. However, Cheng discloses means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Reisman and Cheng. The motivation would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.



18. As per claim 4, the claim is rejected for the same reasons as claim 2, above. In addition, Cheng discloses advice consumer maintains anonymity, privacy, and security by not revealing to said advice provider either that said advice consumer is provider, that said advice consumer has received any particular message, or that said information is relevant to said advice consumer (col 21, lines 45-60; col 7, lines 45-67).

19. As per claim 7, Riesman discloses a communication method, comprising the step of:

Preparing a message at an advice provider location (data objects, col 26, lines 20-31).

broadcasting said message to potential advice consumer anonymously using network (broadcast information distribution system, col 26, lines 20-31; col 47, lines 50-67, proxy server);

processing said message at an advice consumer location (col 26, lines 20-45);

determining whether said message is relevant to said advice consumer (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45);

is broadcast to advice consumers to whom it is potentially relevant (recipient communication devices are tuned to identify and receive from the broadcast specific data element, col 26, lines 20-45).

Riesman does not specifically disclose without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider.

However, Cheng discloses without requiring that said advice consumers divulge their identity or attributes or message-related relevance information to said advice provider (col 21, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Reisman and Cheng. The motivation would have been developing security module to provide verification of the integrity of software updates without violating the privacy of individual users.

20. As per claim 12, the claim is rejected for the same reasons as claim 7, above. In addition, Cheng discloses a gatherer for gathering advisories to which said advice consumer subscribers col 7, lines 12-45; col 6, lines 31-50);

a subscription manager for entering subscriptions to advisories based on information in at least one advice consumer site definition file (col 7, lines 12-45; col 6, lines 31-50; col 10, lines 25-32);  
an unwrapper for parsing said advisories (fig 9-10);  
a module for determining the relevance of said advisories, said determination being made either continuously, at scheduled intervals, or under user manual control (col 3, lines 25-39);  
a user interface that receives relevant advisories (fig 9 and 13a); and  
a display and management system that displays relevant advisories for inspection by said advice consumer (fig 9 and fig 13a).

### ***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,035,423

U.S. Patent 6,704,804

U.S. Patent 5,919,247

U.S. Patent 5,278,979

U.S. Patent 6,167,567

U.S. Patent 6,278,716

Push, by Stephen E Arnold, [www.online.com/database](http://www.online.com/database), 1997

August/September.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

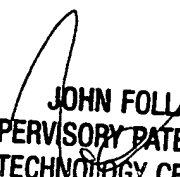
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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